

NINETY-NINTH LEGISLATURE

FIRST SESSION

LEGISLATIVE RESOLUTION 206

Introduced by Foley, 29

Read first time May 18, 2005

Committee:

PURPOSE: The purpose of this resolution is to study the concept of an "any willing provider" law in Nebraska. In an attempt to control prescription medicine costs, prescription benefit programs are using single provider programs either through prescription benefit managers ("PBMs") or, in some cases, large insurance companies are getting into the pharmacy business. As a part of their agreement with companies providing prescription coverage to their employees, PBMs are demanding exclusivity. Insured employees must use their mail order pharmacy or one of the local pharmacies that has agreed to be part of their network of pharmacies, or the "PBMs" or the insurance company will deny recovery for the cost of the drug. The PBM or insurance company can exercise control over who is allowed to become a local network provider through the requirements for, and process of, approving a provider.

At least 21 states have already passed "any willing provider" laws. The concept of an "any willing provider" law should be carefully considered by the Legislature for the people of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE

NINETY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Banking, Commerce and Insurance Committee and the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of their joint study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.